



APRI

**RHODE ISLAND DEPARTMENT OF THE ATTORNEY GENERAL:
WORKLOAD ASSESSMENT**

FINAL REPORT: STUDY FINDINGS

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I. INTRODUCTION

In an effort to provide better criminal justice services to the citizens of Rhode Island and to determine if there are areas in which improvements could be achieved, funding was secured by the Rhode Island Department of the Attorney General, through a grant from the Rhode Island Justice Commission, to investigate the time needed to adjudicate cases in the criminal justice system and the staffing resources needed by the office to handle the workload. In response, the American Prosecutors Research Institute (APRI), Office of Research and Evaluation (OR&E) conducted a workload assessment that quantified the time and activities associated with case processing by prosecutors as well as activities associated with the operations of the office. These analyses result in average case processing times as well as the projected number of cases per attorney and an empirically-based formula for the projection of staffing needs in the Rhode Island Department of the Attorney General.

1.1 THE SEARCH FOR CASELOAD STANDARDS

Until recently, both prosecutors and government agencies lacked an objective and empirically-based method for determining how many various staff persons are needed in a prosecutor's office to handle the caseload and workload. Assessments of prosecutor caseload and workload varied widely in method and rigor. Many assessments attempted to establish caseload standards based on changes in population and crime rate. Others examined the frequency with which certain activities occurred, such as number of motions and trials. Still others employed a "Delphi" method to build consensus among prosecutors on the amount of time needed to process cases. Yet none of these methods resulted in reliable and valid standards that could be employed at different levels, in part because these methods typically only consider a relatively narrow range of a prosecutor's complete professional responsibilities. As a result, with funding from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, APRI developed an objective, systematic, and quantitative method for assessing workload that can be used as a management tool for making decisions regarding staffing allocations, assigning cases, and identifying resource needs. In addition, the workload assessment produces a formula that can be used to objectively project resource needs into the future.

1.2 OVERVIEW OF STUDY METHODOLOGY

Based on input from a national advisory group of prosecutors and an extensive review of case weighting and workload assessment methodologies used by judges and public defenders in the United States, APRI developed a disposition-based method for assessing prosecutorial workloads. APRI's case weighting and workload assessment methodology takes into account various factors that can influence caseload (the volume of cases and the amount of time needed to handle these cases) and workload (caseload plus time associated with non-case related activities such as office management and community outreach). The disposition-based method used by APRI examines the amount of time required, on average, to bring cases to disposition, while considering the array of dispositions and other prosecutorial responsibilities. To date, this methodology has been applied in assessments of more than 70 state and local prosecutors' offices in the United States and Canada.

The methodology used to conduct the workload assessment for Rhode Island provides a sound, objective, and quantitative evaluation of prosecutorial resources. The disposition-based methodology for assessing prosecutor workload explores the work of prosecutors and the time dedicated to specific case types and the number of case dispositions in order to estimate the number of staff needed to handle cases effectively and efficiently.

In a disposition-based assessment, the average amount of time spent bringing a case to disposition is calculated for different types of cases in order to develop relative weights for each type of case. For

example, homicide cases typically require more time and attention from multiple attorneys for a lengthy period of time. These cases often involve extensive investigations, provision of services to victims and families members, numerous pre-trial hearings and motions, and a jury trial. On average, these cases require more prosecutor time and resources than an average theft case, for example, which is often plead out prior to trial. The amount of time and number of dispositions are then used to calculate the average amount of time taken to process each type of case, which in turn is used to determine how many cases an attorney can reasonably be expected to handle in a given year.

1.3 DATA COLLECTION PROCEDURES

The accuracy and reliability of data collection procedures are essential to any research study in which conclusions are drawn and recommendations are to be made. To increase the reliability of the data, APRI solicited input from prosecutors in the Rhode Island Department of the Attorney General to assist in designing the data collection instruments, called the Daily Time & Activity Sheets (DTAS). Timesheets were designed to collect key data elements related to how attorneys spend their time. The basic format and framework for the DTAS was created by APRI more than 5 years ago and tested extensively across the United States. In the current study, APRI conducted a pilot test of the DTAS to ensure the timesheet would produce reliable information.

The timesheet was designed for the collection of self-reported case related and non-case related activity from attorneys participating in the study. The DTAS was designed to be as simple as possible to use, while at the same time capturing critical information about the work conducted. Specifically, prosecutors were asked to self-report the following information each day throughout the data collection period. (Please refer to Appendix A for the Attorney Daily Time & Activity Sheet.)

- Attorneys:
 - The type of activity being performed;
 - The type of case being worked on and the volume (number) of cases;
 - Factors that might influence the amount of time spent conducting an activity;
 - The amount of time each activity took; and
 - Whether or not the case was disposed.

Types of Activities

A key element of the data collection process was to capture all work-related activities performed by attorneys. Case related work often begins prior to the filing of charges and can extend long after the final disposition of a case. These activities may include reviewing police reports, interviewing victims and witnesses, conducting legal research, and post-adjudication activities. In addition, prosecutors have many other non-case related duties, such as providing training for co-workers or attending staff meetings, although not specifically case related these activities impact the amount of time available for processing cases. Thus, APRI's methodology was designed in a manner that would capture all the work of prosecutors by dividing the types of work into three distinct categories: 1) case related activities, not performed in court; 2) in-court case- related activities; and 3) non-case related activities.

The specific activities within each of the major categories were defined in a manner that makes these categories mutually exclusive in order to ensure that prosecutors consistently report the type of activity on which they were working in the same manner. For example, attorneys often interview witnesses as part of the case screening or initiation process, prior to the filing of charges, and again as part of case preparation, after charges have been filed. To make sure the two activities were mutually exclusive, a distinction was made between interviews that occur prior to the filing of charges and those

that occur after the filing of charges. (Please refer to Appendix B for code definitions for activities listed below.)

Attorney activities included:

Case Related Activities

- Case Screening/Initiation;
- Case Preparation;
- Post-Adjudication;
- Case related Administration; and

Non-Case Related Activities

- Non-Case Administration;
- Community Outreach;
- Law Enforcement Coordination;
- Professional Development; and
- Travel

In-Court Case Related Activities

- Grand Jury Proceedings;
- Pre-Arrest Proceedings;
- Preliminary/Pre-Trial Hearings/Motions;
- Bench Trials;
- Jury Trials;
- Post-Adjudication Trials/Hearings;
- In-Court Waiting;
- Juvenile Proceedings

Case Definition and Case Counting

A recurring and fundamental challenge in workload studies is how a “case” is defined. For various entities in the criminal justice system, a case has a set beginning (the decision to proceed with charges) and ending (final disposition or termination from the system). However, in many of the workload studies APRI has conducted, the beginning point of a case varies in part because of the complex and intricate role that prosecutors play in the criminal justice system. As a result, offices may have different definitions of what constitutes a case and how cases are counted. In order to address this issue and ensure cases are defined uniformly, the Assistant Attorneys General in Rhode Island were given the following working definition of a case: *A case is defined as any information on a criminal matter that comes to the office requiring prosecutor activity and the assignment of a unique identifier, regardless of whether or not charges have been filed.*

Related to this conundrum of how cases are defined is the fact that prosecutors’ offices have different policies and practices for how cases are handled and thus counted. Some offices prefer to “bundle” all charges against a defendant and count it as one case, while others separate the charges and count them as separate cases. Further, cases involving multiple defendants may be grouped together and counted as a single case or separated and counted as multiple cases. However, because there are no standard case counting practices, it makes comparisons of caseloads extremely difficult. To ensure consistency in case counting, APRI developed and instructed participants to use the following rules:

- Each case is defined by defendant and by incident.
- Cases that involve multiple defendants are counted and recorded with separate entries for each defendant.
- Cases that involve multiple charges, arising out of the same incident, are recorded with the highest charge as the case type (based on the severity of the sentence for the crime).

Case Types

APRI worked with members of the Rhode Island Department of the Attorney General to ensure that APRI's case type definitions accurately reflect the State of Rhode Island Criminal Code. For the purposes of this study, offense types were divided into felony, misdemeanor, juvenile charges, and one category to reflect non-offense cases. (Please refer to Appendix B for case type definitions.)

- Criminal Homicide
- Rape/Sexual Offenses
- Robbery
- Felony Assault
- Burglary/Larceny
- Arson
- Kidnapping
- Felony Drug
- Felony Motor Vehicle Offenses
- Felony Forgery/Embezzlement
- Felony Domestic Violence
- Other Miscellaneous Felony
- Misdemeanor DUI
- Misdemeanor Domestic Violence
- Misdemeanor Other
- Juvenile Delinquency
- Juvenile Other
- Non-Offense Cases
- Firearm Offenses

Factors that Affect Case Processing Time

Experienced prosecutors know that certain cases are more difficult to prosecute and require more time and effort than other cases. APRI refers to the factors that make cases more complex or time-consuming as “enhancers.” The presence of enhancers and the volume of “enhanced” cases can have a significant impact on the overall average case processing time. As such, it is important to capture any enhancer and their effects during the time study. Working with the Rhode Island Department of the Attorney General, APRI identified 14 enhancers that could affect case processing time: (Please refer to Appendix B for case enhancer definitions.)

- Child Victim/Witness
- Senior Victim/Witness
- Victim/Witness with a Disability
- Defense by Reason of Insanity
- Language Barrier/Cultural Diversity
- Capital Offense
- Difficult Defense Attorney
- Multiple Defense Attorneys
- Diminished Capacity
- Out-of-State Victim/Witness
- Uncooperative Victim/Witness
- Complex Evidence/Investigation
- Media Attention
- Family Offense

Participants in the study were cautioned to use the case enhancers **only** if the enhancer affected the amount of time spent on the activity/case. For example, prosecutors who work on child abuse cases routinely work with young victims and witnesses, and the fact that a child is involved in a given case may not by itself influence the amount of time the prosecutor spends on a case. On the other hand, a prosecutor who does not routinely handle child victims or witnesses assigned a particularly difficult child abuse case may spend significantly more time on the case than usual due to the complexity of the case. For any given activity, attorneys could list up to two enhancers as having affected how quickly the activity was completed.

Elapsed Time

As previously stated, attorneys participating in the study were asked to keep track of and report time spent conducting various activities throughout the workday. Recognizing that a standard 40-hour work week is the exception rather than the norm, attorneys were asked to maintain a record of all time spent on work-related activities for the entire 24-hour period in a given day. Thus, for the purposes of the study, APRI defined a day as beginning at 12:00 a.m. and ending at 11:59 p.m. Also, a workday was defined as any day on which work is performed and thus included Saturdays and Sundays, if work was conducted on those days. Prosecutors were asked to record time contemporaneously throughout the day, to the extent possible, and as precisely as they could, in the smallest time increment possible.

Disposition

As noted earlier, APRI used a disposition-based methodology to assess caseload and workload, which requires collection of information regarding dispositions during the data collection period. A case may be disposed of at several points along the continuum of the criminal justice process, and the point at which a case is disposed may have a direct effect on the amount of time spent handling that case. APRI asked attorneys to record whether or not a disposition was achieved during the course of the activity being conducted and the type of disposition. For the purpose of this study, dispositions were categorized as follows (Please refer to Appendix B for disposition definitions):

- Pre-Charge Disposition
- Pre-Arrestment
- Pre-Trial Disposition
- Trial Disposition
- Post-Adjudication Disposition
- Other Disposition
- No Disposition

Attorneys were asked to record the disposition status regarding the highest charge for a defendant, in keeping with APRI's definition of a case. In addition, several attorneys may be working on one case together (i.e., a homicide trial and thus "share" the disposition). To avoid over-counting of dispositions (by all staff working on a case), participants were instructed to select one person to record the disposition. For example, if one attorney is negotiating a plea with a defendant in court and another attorney actually stands before the judge and records the plea, only the attorney who recorded the plea before the judge would record the disposition on his/her DTAS.

1.5 DTAS IMPLEMENTATION AND RESPONSE RATE

During the latter part of April 2004, APRI staff conducted extensive training sessions on the use of the DTAS for attorneys participating in the study. The training was designed to ensure that all participants were completing the DTAS in a consistent and uniform manner. Study participants were given detailed instructions outlining how to access, complete, and submit timesheets using an Internet-based system. (Please refer to Appendix C for Attorney Instructions.) Data collection began on April 26, 2004, at which time staff began recording all their work-related activities for the following 7 weeks. The data collection period ended on June 13, 2004.

APRI monitored data submissions weekly, to ensure all participating staff were completing and submitting timesheets and to review the data for consistency. This involved a two-person review process in which timesheets submitted were checked by APRI research staff for reporting errors, duplications, data omissions, and discrepancies. Upon completion of the weekly data review, APRI notified participants who were missing entries and followed-up with participating staff to clarify any reporting errors, omissions, or discrepancies in the entries. The overall response rate in the study was excellent, at 100 percent. A total of 64 employees participated in the study. However, of the 64 employees

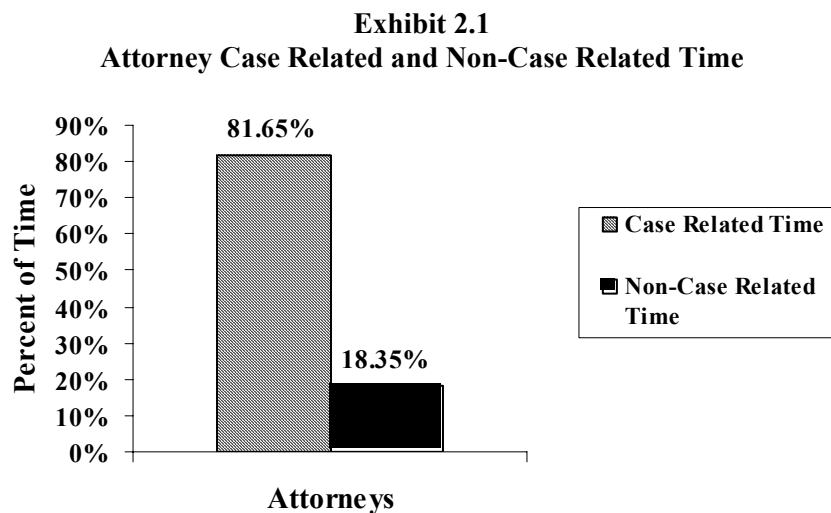
participating in the study, 2 were part-time. For purpose of this study, the two part-time positions were combined to total 63 full-time equivalent (FTE) positions.

II. STUDY FINDINGS

The APRI's workload assessments produce four major categories of findings: 1) time spent on different types of activities; 2) types of cases processed; 3) average case processing time (the case weight); and 4) the number of cases of specific types an individual can handle in a year (the workload measure). The following sections summarize each category of findings.

2.1 TIME SPENT ON DIFFERENT TYPES OF ACTIVITIES

A key component of APRI's workload assessments is the consideration given to all types of activities that prosecutorial staff may be involved in, not just case related activities. Prosecutors were involved in a variety of activities throughout the study. Exhibit 2.1 below shows the total time spent on case related activities (e.g., case screening, preparation, and in-court activities) and non-case related activities (e.g., community outreach or professional development) for attorneys. Not surprisingly, attorneys spent a majority of their time involved in case related activities. Specifically, more than three-quarters (81.65%) of all reported time was spent on case related work and less than one-quarter (18.35%) on non-case related activities.

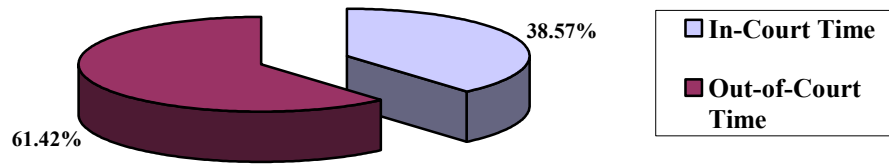


Case Related Activity Time

APRI defines case related activities as occurring along a continuum—from initial case screening through final adjudication and post-sentencing activities. These activities can be further sorted into two major categories: 1) activities that occur outside of the courtroom and 2) activities that occur inside the courtroom. For example, attorney out-of-court activities include case screening, preparation, post-adjudication, and case administration. Attorney in-court activities include all court proceedings (hearings, motions, and trials) as well as time spent waiting for cases to be called.

Exhibit 2.2 on the following page shows the average time attorneys spent involved in out-of-court and in-court activities. Attorneys spent a majority (61.42%) of their case related time involved in out-of-court activities and more than one third (38.57%) of their time on in-court activities. It is not surprising that most case related time is spent conducting out-of-court case related activities. This finding is consistent with other jurisdictions of similar size studied by APRI.

Exhibit 2.2
Case Related Activities: Percent of Attorneys' In-Court and Out-of-Court Time



Attorneys' Activity Time

As shown in Exhibit 2.3, on the following page, attorneys spent 61.42 percent of their case related time (50.15% of their total time, column 3) involved in out-of-court activities. Among the out-of-court case related activities, case preparation accounted for 33.29 percent of their time, followed by case related administration (general case administration activities that occur throughout the day in short blocks of time such as a brief review of multiple files or discussion with a supervisor about a variety of case matters); and then case screening/initiation (activities prior to the filing of charges). Overall, attorneys spent little time involved in post-adjudication activities.

Similar to out-of-court activities, in-court activities were broken down into discrete categories for the time study. Attorneys were asked to record all time spent in specific courts and court proceedings. Overall, attorneys spent 38.57 percent of their case related time (31.49% of their total time, column 3) in-court. Specifically, attorneys spent much of their in-court time handling preliminary hearings and motions. Interestingly, the second largest increment of time involved in-court waiting and not an actual court proceeding. Attorneys spent more time waiting for cases to be called (6.06%) than they did handling jury or bench trials (3.30% and 0.93%). Additionally, more than 5 percent of their case related time was spent involved in juvenile proceedings. Post-adjudication trials/hearings, pre-arraignment hearings, and grand jury proceedings, accounted for a combined total of 7.4 percent of time their time in court.

Typically, office personnel in prosecutors' offices are tasked with a variety of activities that are not related specifically to the processing of criminal cases but are, nonetheless, essential to the overall operations of the office. Although these activities are not case specific, activities such as these affect the overall amount of time available for processing cases. In order to measure these activities, APRI also included non-case related activities to capture all work conducted throughout the day. For example, attorneys spent 42.34 percent of their non-case related time (7.78% of their total time) conducting non-case administration. The non-case administration category includes activities such as conducting legal research that is not attributed to a specific case, supervising law students on non-case specific legal matters, attending and conducting mandatory staff meetings, drafting possible legislation, completing performance reviews, along with other general office and administrative tasks. The amount of time spent involved in these activities is not surprising given the size of the office and burgeoning caseload.

Professional development activities represent the second largest increment of non-case related time. Attorneys devoted nearly 29 percent or 5.28 percent of their total time involved in professional development activities. These activities include time spent attending state and local prosecutor association committee meetings, participating in continuing legal education and training, attending professional conferences or seminars as well as in-house training. The amount of time spent conducting professional development activities is not surprising given the office's commitment to continuing education. Specifically, the office develops and implements most of their own legal education and

training. Interestingly, at the time of the study, the Rhode Island Department of the Attorney General hosted 13 continuing legal education seminars.

Exhibit 2.3
Attorneys' Activity Time

Out-of-Court Activity	Percent of Case Related Activity Time	Percent of Total Time (Case Related & Non-Case Related) Reported
Case Screening/Initiation	10.17%	8.31%
Case Preparation	33.29%	27.18%
Post-Adjudication	4.61%	3.76%
Case Related Administration	13.35%	10.90%
<i>Out-of-Court Subtotal</i>	61.42%	50.15%
In-Court Activity	Percent of Case Related Activity Time	Percent of Total Time (Case Related & Non-Case Related) Reported
Grand Jury Proceedings	1.71%	1.40%
Pre-Arrest Hearings	1.84%	1.50%
Preliminary Hearings/Motions	15.72%	12.83%
Bench Trials	0.93%	0.76%
Jury Trials	3.30%	2.69%
Post-Adjudication Trials/Hearings	3.85%	3.15%
In-Court Waiting	6.06%	4.95%
Juvenile Proceedings	5.16%	4.21%
<i>In-Court Subtotal</i>	38.57%	31.49%
CASE RELATED TOTAL	99.99%*	81.64%
Non-Case Related Activity	Percent of Non-Case Related Time	Percent of Total Time (Case Related & Non-Case Related) Reported
Non-Case Administration	42.34%	7.78%
Community Outreach	7.00%	1.29%
Law Enforcement Coordination	6.36%	1.17%
Professional Development	28.78%	5.28%
Travel**	15.52%	2.28%
NON-CASE RELATED SUBTOTAL	100%	17.80%

*The total percentage does not equal 100 percent due to rounding.

**Work-related travel includes all time spent traveling from the office to court or other work related places (e.g., travel to satellite offices). This does not include commuting between home and the office.

In summary, the distribution of time across the various out-of-court activities is consistent with other APRI studies. As with attorneys in other offices that APRI has examined, case preparation, case related administration, and case screening/initiation, account for the majority of work outside the courtroom. In addition, APRI has found in 100 percent of its studies that the majority of case related work takes place outside the courtroom. The only finding that varies somewhat from other APRI studies is the amount of time spent conducting professional development activities.

2.2 CASE PROCESSING

Prosecutors handled a variety of cases during the time study. Exhibit 2.4 below shows case types and the total number of hours reported by attorneys. Attorneys reported a total of 15,361.83 hours of time on both case and non-case processing. Column 2 of Exhibit 2.4 shows how many hours attorneys dedicated to a specific case type. Attorneys spent a considerable amount of time processing felony drug cases, 2,007.01 hours or 13.06 percent of their total case related time. Not surprisingly, attorneys reported spending a significant amount of time processing homicide cases (1,971.59 or 12.83%) and rape and sexual offenses (1,780.49 or 11.59 %). Juvenile delinquency cases accounted for a large increment of time (1,460.98 hours or 9.51%) followed by other miscellaneous felony, felony domestic violence, and robbery cases, to which attorneys reported a combined total of 3,412.88 hours or 22.22 percent respectively. The remaining case types represent 30.79 percent of the total case processing time. Of these remaining case types, the percentage of hours reported ranged from less than 1 percent to 5 percent.

Exhibit 2.4
Case Processing Hours Reported by Attorneys

Case Type	Attorneys Total Hours Worked
Criminal Homicide	1,971.59
Rape/Sexual Offense	1,780.49
Robbery	1,032.99
Felony Assault/Battery	672.46
Burglary	647.52
Arson	53.48*
Kidnapping	43.81*
Felony Drug	2,007.01
Felony Motor Vehicle Offenses	413.89
Forgery/Embezzlement	805.06
Felony Domestic Violence	1,062.12
Other Miscellaneous Felony	1,317.77
Misdemeanor DUI	113.61
Misdemeanor Domestic Violence	264.86
Misdemeanor Other	731.07
Juvenile Delinquency	1,460.98
Juvenile Other	130.86
Non-Offense Cases	489.17
Firearm Offenses	363.09
TOTAL	15,361.83

*Attorneys spent very little time on case types indicated

Annual disposition data are a necessary component of any disposition-based workload assessment for the calculation of prosecutorial resource needs. As disposition information is so critical to the success of this study, annual case dispositions were collected from the office's internal case management information system. These data provided a benchmark against which APRI could assess the validity and reliability of dispositions reported by study participants during the 7-week data collection period.

Exhibit 2.5
Rhode Island Dispositions

CASE TYPE	Calculated Study Dispositions	Annual Dispositions (APRI Case Types Defined)*
Criminal Homicide	1	7
Rape/Sexual Offense	25	186
Robbery	16	116
Felony Assault/Battery	44	324
Burglary	97	721
Arson	2	17
Kidnapping	1	9
Felony Drug	328	2,433
Felony Motor Vehicle Offenses	71	526
Forgery/Embezzlement	48	354
Felony Domestic Violence	24	179
Other Miscellaneous Felony	84	624
Misdemeanor DUI	11	78
Misdemeanor Domestic Violence	18	130
Misdemeanor Other	349	2,596
Juvenile Delinquency**	340	2,524
Juvenile Other**	18	130
Non-Offense Cases***	0	0
Firearm Offenses	33	247

*2003 Disposition information was provided by the Rhode Island Department of the Attorney General. In order to calculate case weights and workload measures, APRI assigned all disposition information to case types used during the study as shown in Exhibit 2.5. Appendix D includes a listing of how APRI categorized all case type information.

** APRI did not receive disposition information for the juvenile case types. In order to calculate case weights and workload measure for juvenile case types, APRI used the number of juvenile petitions instead.

*** As no disposition information was available for the “non-offense” case type, case weights and workload measure could not be calculated. However, the time recorded by attorneys under this case type was included in the time analyses. Exhibit 2.4 on the previous page shows how much time was recorded under the “non-offense” case type.

Exhibit 2.5 above includes annual dispositions (column 3) provided by the Rhode Island Department of the Attorney General and a 7-week disposition snapshot (column 2). The information shown in column 2 was interpolated from the annual dispositions provided. In order to produce reliable case weights and workload measures, APRI assigned dispositions to the case types used in the study. Please refer to Appendix D for a complete listing of the case type categories. Furthermore, juvenile petitions were used instead of disposition information as dispositions for juvenile cases were not provided. In addition, as no disposition information was available for the non-offense case type, case weights and workload measure could not be calculated. However, the time associated with this cases type was recorded and used to calculate the time and activity analyses. It is important note that during the study, prosecutors spent nearly 500 hours involved in activities under this category. These activities included case work not derived from a criminal case such as extraditions work, warrant designation, or property forfeiture.

2.3 CASE ENHANCERS

As previously discussed, there are many factors that can influence the amount of time needed to process a case (“case enhancers”). Working with the Rhode Island Department of the Attorney General, APRI defined 14 possible case enhancers listed on the daily time and activity sheets. Attorneys were

instructed to use case enhancers only in circumstances in which they believed these factors affected the amount of time dedicated to a case. Case enhancers were analyzed separately to identify whether or not any enhancer(s) produced statistically reliable effects on aggregate case processing times.

APRI introduced a number of controls in the enhancer analyses in an effort to produce statistically stable and meaningful results. For example, APRI established a sliding scale, whereby an enhancer had to be listed a minimum of 50 times by participants before it was considered for analysis. This criterion was meant to assure a reasonable sample size would be achieved for each enhancer. In addition, an enhancer had to be both statistically significant *and* account for at least one percent of the variation in case processing times involving the enhancer. Each enhancer discussed below, produced a statistically significant effect on case processing times. As a result the “raw” case processing times were weighted according to the presence of case enhancers, thus producing the case weights shown in Exhibit 2.7 (pg. 13).

Exhibit 2.6 below lists the enhancers for each case type that produced significant effects on attorney case processing times. As shown, there were four case types that were impacted by at least one case enhancer. Conversely, two enhancers had a significant impact on case processing times for at least one case type. Based on these statistical analyses, APRI derived a set of weighting factors for each case type that reflected a greater case processing time required when particular enhancers are present in conjunction with these case types. As a result of these significant enhancer effects, the statistical weights reveal a more accurate depiction of the time required by staff to process cases.

Exhibit 2.6
Attorneys’ Case Enhancers by Case Type

Case Type	Case Enhancer
Criminal Homicide	• Complex Evidence
Rape/Sexual Offenses	• Child Victim or Witness
Felony Forgery/Embezzlement	• Complex Evidence
Other Miscellaneous Felony	• Complex Evidence

2.4 Case Weights: Average Case Processing Time

Case weights represent the average case processing time. Simply stated, case weights are calculated by dividing all time associated with different types of cases by the number of dispositions of each case type reported by the attorneys during the study period. For example, if attorneys spent 2,007.01 hours on felony drug proceedings, which resulted in 328 dispositions during the 7-week period. Dividing the hours by the dispositions produces a case weight. The case weights shown in Exhibit 2.7 (pg. 14) are calculated using enhanced minutes presented in the previous section. APRI typically calculates case weights with enhanced minutes as these weighted measures offer a more accurate depiction of the time required to handle cases for each work group.

Exhibit 2.7
Overall Case Weights (Avg. Case Processing Time in Hours) for Attorneys

CASE TYPE	Attorney Case Weight
Criminal Homicide	2,101.93
Rape/Sexual Offense	75.17
Robbery	66.15
Felony Assault/Battery	15.42
Burglary	6.67
Arson	*
Kidnapping	*
Felony Drug	6.13
Felony Motor Vehicle Offenses	5.85
Forgery/Embezzlement	17.55
Felony Domestic Violence	44.08
Other Miscellaneous Felony	16.93
Misdemeanor DUI	10.82
Misdemeanor Domestic Violence	15.13
Misdemeanor Other	2.09
Juvenile Delinquency	4.30
Juvenile Other	7.48
Non-Offense Cases	**
Firearm Offenses	10.92

*The weights for arson and kidnapping were based on a total of 3 dispositions, which may make the average case processing time unreliable. In order to develop reliable weights, the time spent on arson was reallocated under the “other miscellaneous felony” case type. Additionally, kidnapping was reallocated to the “rape/sexual offense” case type. All subsequent analysis was conducted using these combined categories.

**As previously stated, case weights and workload measures could not be calculated for the “non-offense” case type as these had no disposition information available.

The case weights shown in Exhibit 2.7 represent the *average* amount of clock time it takes an attorney to handle specific types of cases—from the beginning of the case until final disposition of the case—not calendar time. For example, the average assault case takes nearly 16 hours of attorney work time to process, although the hours may be spread out over several months of calendar time.

As expected, more serious crimes against persons take longer to process, on average, than misdemeanor crimes. Consistent with other APRI studies, criminal homicide cases take more work time for prosecutors to process than any other case type. Given that a case weight is a function of the level of activity that occurred during the study period on specific types of cases and the number of dispositions achieved, it is possible that during the study period an unusually low volume (or conversely high volume) of work or dispositions occurred, producing unreliable case weights. APRI conducts a number of tests to guard against this; however, in this study, it appears that the weight for criminal homicide may be unreliable as it is based only one disposition.

2.5 WORKLOAD MEASURES

A workload measure defines how many cases of a specific type one person can handle in a given year, if he or she only works on that type of case. To obtain the workload measure, APRI divided the number of hours available for work each year (the year value) by the case weight for each type of case. The year value was based on the total number of workdays in a year, minus average vacation leave, sick leave, and holidays. The year value for attorneys in the Rhode Island Department of the Attorney General is 1,473.5 hours of availability per year, based on the following assumptions:

- 1,820 base hours per year
- 136.5 hours of average vacation time available
- 105 hours of sick leave
- 77 hours for holidays
- 28 hours of personal time per year

As shown in Exhibit 2.8 below, the workload measures vary by case type. This variation is a direct result of the level of effort associated with case processing and the average case processing time. As shown in Exhibit 2.7 (previous page), felony cases on average take more time to process than misdemeanor cases, thereby, lowering the number of felony cases an attorney can handle in a given year. More specifically, on average an attorney spends approximately 75 hours on a sexual assault case. If an attorney only worked the hours mandated (i.e., 1,473.5), he or she could handle nearly 20 sexual assault cases per year as shown in the corresponding workload measure (Exhibit 2.8). On the other hand, a burglary case takes substantially less time to prosecute on average; as a result, an attorney could handle almost 221 burglary cases per year. It is important to note, however, that the workload measure assumes that an attorney is handling a specific case type. The workload measures cannot suggest how many cases of different types can be handled by a single person if he or she has a “mixed” caseload. However, the workload measure can be used for allocating office resources. Specifically, these measures can serve as guidelines in the allocation of cases across the various work groups when a mixed caseload is carried.

Exhibit 2.8
Workload Measures: Number of Cases per Person per Year

CASE TYPE	Workload Measures
Criminal Homicide	0.70
Rape/Sexual Offense	19.60
Robbery	22.27
Felony Assault/Battery	95.57
Burglary	220.86
Felony Drug	240.46
Felony Motor Vehicle Offenses	252.08
Forgery/Embezzlement	83.97
Felony Domestic Violence	33.43
Other Miscellaneous Felony	87.03
Misdemeanor DUI	136.18
Misdemeanor Domestic Violence	97.36
Misdemeanor Other	704.35
Juvenile Delinquency	342.68
Juvenile Other	197.06
Non-Offense Cases	0.00
Firearm Offenses	134.94

III. RESOURCE NEEDS

3.1 FORMULA FOR DETERMINING RESOURCE NEEDS

The workload assessment produces an objective and quantitative formula that can be used to project resource needs. The formula is based on the workload measures, discussed in the previous section and the annual number of dispositions. The workload measures are applied to the annual case dispositions to determine the total number of full-time equivalent (FTE) staff needed to handle the yearly workload. The final formula for projecting resource needs is as follows:

$$\text{Annual Case Dispositions} \div [\text{Workload Measure}] = \text{Number of FTE Positions Needed}$$

3.2 PROJECTED STAFFING NEEDS

To determine the resource needs, the formula is applied to each case type to obtain the FTE positions needed to handle each type of case exclusively. The total resource needs of the office are then calculated by adding the FTEs for each case type. Exhibit 3.1 contains the current staffing levels as of April 2004 and the projected resource needs for the criminal division of the Rhode Island Department of the Attorney General. Projected FTE positions were calculated using the data presented in the previous chapters.

Exhibit 3.1
Projected Full-time Equivalent Positions by Staff Group

Staff Group	Total Number of FTEs	Projected FTE Positions Needed	Difference (+/-)
Attorneys	60.2	75.75	15.55

According to the study results, overall, the Rhode Island Department of the Attorney General is understaffed by 15.55 FTE employees. The difference column (column 4), Exhibit 3.1 above represents the variation that exists between the number of FTEs at the time of the study and the projected number of FTEs. For example, the number of attorneys needed to address the current workload (within the mandated number of hours attorneys are available to work annually) is 75.75, a difference of 15.55 FTE attorneys. In other words, Rhode Island needs nearly 16 additional attorneys in order to process the current workload effectively.

It is important to note, however, that at least 3 case weights were deemed unreliable by APRI, and were significantly lower than APRI has seen in other jurisdictions. With more reliable case weights for such cases as criminal homicide, the number of needed positions would increase. As such, APRI views the projections as the minimum number of FTE attorneys needed, not necessarily the optimum.

3.3 CONCLUSION

Based on the amount of time required to process cases and to handle other prosecutorial responsibilities, APRI projects that the Rhode Island Department of the Attorney General needs an additional 15.55 attorneys. Compared to other offices studied by APRI, Rhode Island is significantly understaffed. Specifically, most offices studied have needed an average of 2 to 6 new positions. Although the Rhode Island resource projection may seem rather high, APRI has seen offices that were understaffed by as many as 25 positions, where as other offices were overstaffed by as many as 9 attorneys.

APRI recommends that the Rhode Island Department of the Attorney General adopt the workload measures that resulted from this study as a tool for making resource projections and allocating staff positions. As the workload measures are empirically based and provide an objective assessment of staffing needs, the measures can be used to project staffing needs into the future. Projections can be made based on actual dispositions recorded at the end of the year or by estimating the number of dispositions in future years. To project future resource needs, trends in dispositions should be established. The rate of change for each type of case can be used to determine how many cases are likely to be disposed in future years. As an example, consider the following scenario:

The Rhode Island Department of the Attorney General has experienced steady increases in the number of assault cases being processed. The trends show an average increase between 1999 and 2004 of 14 percent annually (note: this number was used for illustrative purposes only). It takes 5.7 hours to bring an assault case to disposition, and the number of assault cases an attorney can handle in a year is 345.60. Here are the resource projections for the current and upcoming year:

In 2004, 2,385 assault cases were disposed, resulting in 6.90 FTE attorneys $[2,358 \div 345.60]$.

In 2005, assault cases are expected to increase by 14 percent as they have in the past. Therefore, the number of FTE positions needed to process assault cases will be 7.87 FTE attorneys $[(2,385 \times 14\%) + 2,385] / 345.60]$

Projecting future resource needs is especially important for the Rhode Island Department of the Attorney General given that several current staffing positions are grant funded positions. Similar to other prosecutors' offices across the nation, Rhode Island Department of the Attorney General receives grants from other funding agencies. Staff positions supported by grants are generally time limited (i.e., for the grant funding period) and grant specific (i.e., mandated to work only on the grant topic such as community prosecution or domestic violence cases). As a result, without these grant funded positions, the office would be grossly understaffed.

In addition, the study found that certain factors increase case processing time for particular case types. These factors include complex evidence and child victims/witnesses. Cases involving the identified enhancers will take significantly longer to process than "non-enhanced" cases. Obviously it is impossible to predict the volume of such cases, but it is important to understand their impact on a person's workload and have a plan to assist attorneys in their work related to these factors. In addition to the impact on projected prosecutor staffing needs, identifying the effects of the enhancers can aid in effective management and resource allocation to ensure the efficiency of the office in years to come.

Finally, the raw number of staff needed to handle the workload of a prosecutor's office is critically important and directly related to the efficiency and effectiveness of the office.¹ Equally important though is the ratio of attorneys to other staff that perform support functions for case processing. It should be noted that this study did not evaluate the adequacy of resources for other staff employed in the office; therefore, APRI can not address whether the staffing levels are appropriate for these employee groups. However, in past studies APRI has observed that non-attorney employees are a major factor in the office's overall efficiency. In fact, without such support, given that the office is understaffed, it would take much longer on average to bring cases to disposition. APRI recommends that officials consider how adding attorneys will affect staffing needs in other areas.

¹ Nugent, M. E., Rainville, G., Finkey, R., Fanflik, P. (2002). "Translating Workload into Resource Needs." In *How Many Cases Should a Prosecutor Handle? Results of the National Workload Assessment Project*. American Prosecutors Research Institute: Alexandria, VA.

APPENDIX A:
DAILY TIME & ACTIVITY SHEET



Personnel Number:	R	I	-		
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Work Day Started At: : ☐ AM ☐ PM

Work Day Ended At:

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 :

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☐ AM
☐ PM

1. Criminal Homicide
2. Rape/Sexual Offenses
3. Robbery
4. Felony Assault
5. Burglary/Larceny
6. Arson
7. Kidnapping
8. Felony Drug
9. Felony Motor Vehicle Offenses
10. Felony Forgery/Embezzlement
11. Felony Domestic Violence
12. Other Miscellaneous Felony
13. Misdemeanor DUI
14. Misdemeanor Domestic Violence
15. Misdemeanor Other
16. Juvenile Delinquency
17. Juvenile Other
18. Non-Offense Cases
19. Firearm Offenses

90. Child Victim/Witness	98. Diminished Capacity
91. Senior Victim/Witness	99. Out-of-state
92. Victim/Witness w/ a Disability	Victim/Witness
93. Defense by Reason of Insanity	100. Uncooperative
94. Language Barrier/Cultural	Victim/Witness
Diversity	101. Complex
95. Capital Offense	Evidence/Investigation
96. Difficult Defense Counsel	102. Media Attention
97. Multiple Defense Attorneys	103. Family Offense

- Case-Related Activities
 - 20. Case screening/initiation
 - 21. Case preparation
 - 22. Post-adjudication activities
 - 23. Case-related administration
- In-Court Activities
 - 30. Grand Jury proceedings
 - 31. Pre-Arrestment Proceedings
 - 32. Preliminary/pre-trial hearings/motions
 - 33. Bench trial
 - 34. Jury trial
 - 35. Post-adjudication trials/hearings
 - 36. In-court waiting
 - 37. Juvenile proceedings
- Non-Case Related Activities
 - 50. Non-case administration
 - 51. Community/outreach activities
 - 52. Law enforcement coordination activities
 - 53. Professional development
 - 54. Travel
 - 55. Lunch/personal time

60. Pre-charge disposition
61. Pre-Arraignment Disposition
62. Pre-trial disposition
63. Trial disposition
64. Post-adjudication disposition
65. Other disposition
66. No disposition

[illegible]

APPENDIX B:
GENERAL DEFINITIONS AND CODE DEFINITIONS FOR THE DAILY TIME & ACTIVITY
SHEETS

RHODE ISLAND DEPARTMENT OF THE ATTORNEY GENERAL (CRIMINAL DIVISION) WORKLOAD ASSESSMENT

GENERAL DEFINITIONS AND CODE DEFINITIONS FOR THE DAILY TIME & ACTIVITY SHEET INSTRUCTIONS FOR: ATTORNEYS

GENERAL DEFINITIONS

In this study the following **Case Definitions** apply:

- Each case is defined as any information that comes to the Attorney General's office requiring prosecutor activity and the assignment of a unique identifier.
- Cases are counted by individual defendant, by incident, and by the most serious charge or count that is being handled at the time.
- Cases that involve multiple defendants should be counted and recorded with separate entries for each defendant.
- Cases that involve multiple charges/counts associated with a single incident should be recorded with the most serious charge as the case type.

ACTIVITY CODE DEFINITIONS

CASE-RELATED ACTIVITIES

20. Case Screening/Initiation – includes all time associated with the following activities, *prior to the filing of charges*: responding to a law enforcement/public inquiry whether or not a charge is authorized; working with law enforcement task forces on case development; screening potential cases/warrants; interviewing victims/witnesses; conducting investigations at a crime scene or viewing evidence; preparing and issuing warrants, complaints, affidavits, or indictments; preparing for direct presentment to the grand jury; collecting, reading, and reviewing preliminary reports; legal research on a specific case; legal advice to law enforcement officers; and pre-charge case discussions with law enforcement, prosecution colleagues, defense counsel, etc.

21. Case Preparation — includes time spent on a case *after a case/warrant has been issued, charge has been filed, or no true finding* associated with the following activities: continuing investigations; interviewing victims; preparing witnesses (e.g., sexual assault victims); preparing and responding for pre-trial hearings and motions; conducting legal research for specific cases; researching local databases; gathering 911 records; preparing witness lists; obtaining prior convictions and DMV reports; reviewing original complaints; adding additional counts; preparing plea negotiations/settlements; preparing subpoenas, jury instructions, and trial notebooks; requesting out-of-state conviction reports; and diversion activities.

22. Post-Adjudication Activities — includes time spent responding to victim inquiries or requests and subsequent victim contact, preparing sentencing memoranda, preparing for post-adjudication trials/hearings and appeals, and responding to parole requests; also includes time spent on a probation revocation out-of-court for a violation in a case that has previously been adjudicated, writs of habeas corpus, and responding to case dismissal requests after the completion of probation.

23. Case-Related Administration — includes time spent on case-related work that cannot be allocated in 10-minute increments to any one case, discussions with a supervisor about the handling of a number of cases,

supervision of law students/interns (if any) on case specific activities, brief conversations with defense counsel, a brief review of multiple files, additional activities preparing for an appeal, or discussions between staff members *about cases*.

In-Court Activities

30. Grand Jury Proceedings – includes time spent making direct presentments to a grand jury, managing or preparing witnesses during grand jury proceedings, conducting or monitoring proceedings, and providing guidance to the grand jury.

31. Pre-Arraignment Proceedings – includes time spent in pre-arraignment hearings in which defendant guilty pleas are heard; should only be used by attorneys involved in the Providence pre-arraignment calendar.

32. Preliminary/Pre-Trial Hearings/Motions – includes the time spent in court for release hearings; arraignments; motions; diversion activities; and dispositional hearings for outcomes such as dismissals or guilty pleas.

33. Bench Trial – includes the time spent in court from when the judge takes the bench until he/she reaches a decision. It also includes time spent for sentencing in bench trials. However, a contested motion or hearing is not included.

34. Jury Trial – includes the time spent in court for a jury trial from when the judge takes the bench to the rendering of the verdict. This includes selecting a jury and waiting for the jury to return if waiting time is less than one hour AND no other chargeable work was performed. If chargeable work is performed during this waiting period, it should be allocated to the appropriate category as a separate entry. It also includes time spent for sentencing in jury trials.

35. Post-Adjudication Trials/Hearings – includes time spent in court for probation revocation, restitution hearings, and post-conviction relief.

36. In-Court Waiting – includes idle time spent in the courtroom or within the courthouse waiting for your case to be called. It does not include time spent waiting for the jury to return. If the waiting time is spent conducting another activity, e.g., conferring with colleagues on another case, or working on another case, the time should be recorded as a separate case-related activity.

37. Juvenile Proceedings – includes time spent for delinquency proceedings, probation violations by juveniles, and status offense proceedings and dispositional hearings including waiver hearings. This category does not include criminal court proceedings involving juveniles who have been waived to adult court.

Non-Case Related Activities

50. Non-Case Administration – includes time spent doing legal research that cannot be attributed to a specific case, supervising law students on non-case specific activities, staff meetings, drafting possible legislation, conducting performance reviews, and other general office and administrative tasks.

51. Community/Outreach Activities — includes time spent fielding phone calls from the public (unrelated to the initiation of a case) and making referrals; responding to media inquiries; attending community meetings; conducting liaison activities with community organizations, victims groups, and service providers; crime prevention activities; mock trials; school presentations; and other various work-related community outreach activities that are not associated with specific cases.

52. Law Enforcement Coordination Activities — includes time spent conducting law enforcement in-service training and time spent participating in a general or an administrative capacity in various Federal,

state, or local law enforcement task forces; does **not** include working with law enforcement organizations or task forces on case investigation or development.

53. Professional Development – includes time spent attending state and local prosecutor association committee meetings, participating in continuing legal education and training, and attending professional conferences or seminars as well as “in-house” trainings (applicable whether one acts as a trainer or as a trainee).

54. Travel – the amount of time spent traveling from the office to court or other work-related places (e.g., crime scenes, conferences). **Do not include time spent commuting between home and office.**

55. Lunch/Personal Time — includes time spent during normal office hours (8:30 a.m. to 4:30 p.m.) on break, at lunch, or away from the office on personal business (e.g., vacation, sick leave, holidays).

CASE TYPE CODE DEFINITIONS

- | | |
|---|--|
| 1. Criminal Homicide | includes aggravated murder, felony murder, attempted murder, negligent homicide, and voluntary and involuntary manslaughter. |
| 2. Rape/Sexual Offenses | includes felony 1 st through 3 rd degree sexual assault, and 1 st and 2 nd degree child molestation. |
| 3. Robbery | includes 1 st and 2 nd degree felony robbery, but NOT felony burglary. |
| 4. Felony Assault | includes felony assault with serious bodily injury, assault with a dangerous weapon, assault against an elderly victim over the age of 60, and assault with intent to commit a specific felony. |
| 5. Burglary/Larceny | Includes felony breaking & entering (either at day or at night with intent), breaking into a business/building, larceny of over \$500, or receiving stolen goods over \$500. |
| 6. Arson | includes the malicious, felonious and unlawful burning of property – 1 st through 7 th degree arson. |
| 7. Kidnapping | includes the felonious holding of a person or persons against their will and/or by force. |
| 8. Felony Drug | includes felony charges related to the possession; procurement; distribution; or conspiracy to distribute, sell, or use of any criminally scheduled narcotic; also includes the manufacturing of narcotics – anything covered under Rhode Island General Law 21-28-4.01. |
| 9. Felony Motor Vehicle Offenses | includes all felony motor vehicle offenses such as possession of a stolen motor vehicle, operating a motor vehicle without consent, possession of stolen motor vehicle parts, leaving the scene of an accident causing death or serious bodily injury, felony DUI, a second offense of eluding a police officer, vehicular assault, etc. |
| 10. Felony Forgery/Embezzlement | includes felonious obtaining of money (over \$500) under false pretenses, fraudulent use of credit cards, embezzlement, etc. |
| 11. Felony Domestic Violence | includes felony violations of no contact orders, assault and battery, disorderly conduct—any felonious domestic violence offense included under Rhode Island General Code 12-29-2. |
| 12. Other Miscellaneous Felony | includes any other type of felony criminal charge which does not |

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- | | |
|--|---|
| 13. Misdemeanor DUI | fit into one of the other categories listed above (e.g., stalking). includes all misdemeanor cases involving driving under the influence of alcohol/narcotics offenses. |
| 14. Misdemeanor Domestic Violence | includes all misdemeanor cases designated as domestic violence offenses (including violations of restraining orders). |
| 15. Misdemeanor Other | includes all other misdemeanor offenses, such as disorderly conduct, trespassing, assault and battery, and larceny under \$500. |
| 16. Juvenile Delinquency | includes all juvenile delinquency cases (juveniles who commit felonies). |
| 17. Juvenile Other | includes all other juvenile cases (e.g., juvenile waivers before transfer to adult court, child neglect, child abuse, adult dependant). |
| 18. Non-Offense Cases | includes cases not derived from a criminal offense such as forfeitures of property, extraditions, expungements, etc. |
| 19. Firearm Offenses | includes all offenses where a firearm is used. |

DISPOSITIONS

- 60. Pre-Charge Disposition**—includes cases that are screened out before the filing of charges or the issuance of a warrant; or no true bill if Grand Jury does not indict.
- 61. Pre-Arraignment Disposition**—includes cases where defendant can plead out a charge prior to arraignment in Superior Court (specific to Providence).
- 62. Pre-Trial Disposition**—includes cases that are disposed prior to trial including dismissals, guilty plea as charged, guilty plea to a lesser charge, nolo contendere, transfers to another court (e.g. drug court), deferred findings, a waiver (waives indictment) or information, bail violations, or an unapprehended defendant. Please note: where guilty pleas are involved, do not use this code until sentencing is pronounced.
- 63. Trial Disposition**—includes cases that are disposed during a bench or jury trial with a guilty verdict or an acquittal, or with a defendant’s guilty plea that is provided after the trial has begun. Please note: only use this code once sentencing has been pronounced.
- 64. Post-Adjudication Disposition**—includes dispositions such as judgments on violation of probation, appellate court decisions, applications for post-conviction relief, and changing of probation terms.
- 65. Other Disposition**—includes other dispositions not captured above such as violating a diversion contract.
- 66. No Disposition**—The continuation of a case for any reason, including continuing investigation, the granting of a continuance, a trial that is ongoing, or a failure to appear.

CASE ENHANCERS

Certain factors that affect case complexity and increase the amount of time necessary to process the case are called an “enhancers.” Case enhancers are defined as follows:

- 90. Child Victim/Witness** – includes a victim or witness under the age of 14 years.
- 91. Senior Victim/Witness** – includes a victim or witness over the age of 60 years as defined by Rhode Island General Law.
- 92. Victim/Witness with Disability** – includes a victim or witness with a physical or mental disability as defined by the Americans with Disabilities Act.
- 93. Defense by Reason of Insanity** – includes the defense of not guilty due to a defect of reason produced by a disease of the mind which caused an inability to know right from wrong.

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94. **Language Barriers/Cultural Diversity** – includes the inability to communicate with victim, witness or defendant due to the presence of a language or custom different from that used by a preponderance of society, and which makes assistance difficult or requires additional resources.
 95. **Capital Offense** – includes cases in which the prosecutor considers or files notice of intent to seek life without parole.
 96. **Difficult Defense Counsel** - includes cases in which the defendant is represented by a particularly difficult defense counsel (e.g., one who makes numerous, unnecessary, or onerous demands of the prosecutor through motions, discovery, etc.)
 97. **Multiple Defense Attorneys** - includes cases in which multiple defense attorneys are assigned to one defendant or multiple co-defendants.
 98. **Diminished Capacity** – used in cases where defendant is/was under the influence of alcohol or narcotics and/or has an existing medical/mental condition that allegedly diminished the defendant's reasoning capacity but did not rise to the level of insanity.
 99. **Out-of-State Victim/Witness** - includes cases that involve defendants, victims, or witnesses that have fled to or reside in another state or country.
 100. **Uncooperative Victim/Witness** – includes cases in which a victim or witness is unwilling to participate in in-court and out-of-court proceedings.
 101. **Complex Evidence/Investigation** - includes cases that involve complex evidence, scientific evidence, or DNA. Investigations include wire taps, extensive surveillance, etc.
 102. **Media Attention** – includes cases that have received extensive and sensational media (newspaper, television, radio, or internet) coverage.
 103. **Family Offenses** - includes child abduction, multiple orders (custody), child/spousal support, order violations, and other family court issues.

APPENDIX C:
DAILY TIME AND ACTIVITY SHEET INSTRUCTIONS

RHODE ISLAND DEPARTMENT OF THE ATTORNEY GENERAL (CRIMINAL DIVISION) WORKLOAD ASSESSMENT

DAILY TIME & ACTIVITY SHEET INSTRUCTIONS FOR ATTORNEYS

INTRODUCTION

The following material provides general and specific instructions for prosecutors who will be participating in the Rhode Island Department of The Attorney General (Criminal Division) Workload Assessment Project. The overall purpose of this project is to understand the resource needs of attorneys in the Criminal Division of the Department of The Attorney General. The first phase of this effort is to collect workload information related to case processing. APRI has attempted to make the data collection instrument (or the Daily Time and Activity Sheet) as simple as possible for prosecutors to complete.

The instrument will capture critical information about the work of prosecutors. Specifically, prosecutors will record six types of information each day during the data collection period:

- 1) the type of activity being performed;
- 2) the type of case;
- 3) the amount of time each activity takes;
- 4) any special circumstances that enhance the complexity of the case;
- 5) whether or not there was a final disposition or termination of proceedings; and
- 6) the number of cases for which time is being recorded.

This information will be collected in sufficient detail to permit an analysis of the average time needed by prosecutors to process different types of cases.

A description of each component of the Daily Time & Activity Sheet, as well as general and specific instructions for completing the sheet are provided below. Codes and corresponding definitions for what constitutes a case, activity, type of case, case enhancers, and dispositions are included in these instructions.

For the most accurate and detailed recording, the Daily Time & Activity Sheet should be completed ***contemporaneously***, which essentially means as close in time as possible to when the activities actually occurred. APRI recognizes that contemporaneous recording is not always possible, but encourages that entries be made at least once or twice a day. While this additional work takes time for prosecutors to complete, consistent reporting will provide the most reliable information and will thus lay the foundation for an accurate depiction of the work conducted by attorneys working in the Criminal Division of the Rhode Island Department of The Attorney General.

Please review all the instructions below before you begin to record your time. We appreciate your cooperation with this study. If you have any questions during the study about how to complete

the forms, please contact Andrea Gentile at APRI 703-519-1672 or andea.gentile@ndaa-apri, or Mark Miller at APRI at 703-519-1647 or mark.miller@ndaa-apri Thank you.

ACCESSING & SUBMITTING COMPLETED TIME & ACTIVITY SHEETS

To access the Daily Time & Activity Sheet, you should type the following address into your web browser:

http://www.ndaa-apri.org/ri/apri_survey.php

In the first box that appears please type your username and in the following box the password assigned to you by APRI, then click on Log In. **Please Note: The program is case sensitive.**



The image shows a web browser window displaying the APRI Information Gathering System login page. At the top left is the APRI logo, which features a shield with a scale of justice and the letters 'APRI'. To the right of the logo, the text reads 'APRI American Prosecutors Research Institute APRI Information Gathering System'. Below this, a welcome message says 'Welcome to the APRI Information Gathering System' followed by 'Please enter the username and password you were given to log in to system.' There are two input fields: one labeled 'Username' and one labeled 'Password'. Below these fields is a 'Log In' button.

After you have logged in, click on the “enter new timesheet” tab to enter a new timesheet. The attorney Time & Activity Sheet should appear on your screen. Please fill in the sheet as directed. You may tab through the form, or using the mouse, click on the appropriate box. Each box contains the appropriate codes or values for that particular column. When you are finished entering your time, please press the “Submit Time Sheet” key at the **bottom** center of the form.

GENERAL INSTRUCTIONS


A Daily Time & Activity Sheet will be used each day by prosecutors to record all work performed during the study period. Work-related activities include both case-related (e.g., appearing in-court for a preliminary hearing) and non-case related (e.g., presenting a training session for law enforcement officers) activities. Record ***all*** work-related time (including lunch, breaks, and personal time) on the Time & Activity Sheet. **Work activity conducted outside normal office hours, including time spent at home, and on the weekends or holidays should also be reported.** If necessary, use a second Time & Activity sheet to record additional work performed during one day. ***Do not record more than one days’ work per Time & Activity Sheet. Each day gets a separate sheet.*** For the purposes of the study, a day begins at 12:01 a.m. and ends at 11:50 p.m.

Make an entry on the Daily Time & Activity Sheet as specifically as possible, but at least to the nearest 5 (for the first hour)- or 10 (for every hour after that)-minute interval each time an activity commences and ends. Every effort should be made to record your time contemporaneously. APRI recognizes the difficulty in contemporaneous recording and provides guidance throughout these instructions to make this task less cumbersome.

FILLING OUT THE TIMESHEET

If you are submitting multiple sheets for the same day, make sure the identifying information at the top of the page is correct (i.e., your name followed by attorney timesheet), and record the correct date and time for each form you complete and submit. The identifying information section of the timesheet is shown below.

Andrea Gentile - Attorneys Daily Time & Activity Sheet

 **APRI**
American Prosecutors Research Institute
APRI Information Gathering System

[log out](#) [view/print submissions](#) [enter new time sheet](#)

[detailed code definitions](#) [instructions](#) [technical help](#) [blank printable timesheet](#)

Time & Activity Log

Date: 2004 April 06

From: 8:30 AM To: 4:30 PM

April						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

The information to be recorded each day on the Time & Activity Sheet includes the following:

- **Date:** The date the attorney is actually performing the work, including the time when the attorney's work period began and ended.
- **Activity Code:** The code used to represent the type of work being performed.
- **Case Type Code:** The code used to represent the type of case for which the specific activity is being performed.
- **Elapsed Time:** A record of the time spent on the specific activity and case type.
- **Disposition Code:** The code indicating whether or not the case reached a final disposition during the course of conducting the activity.
- **Case Enhancer:** The codes used to indicate whether or not certain elements exist in the case that causes the case to be more complex.
- **Volume:** The number of cases of the same type for which the same work was being performed during the time period covered by the timesheet.

In this study, each case is defined by individual defendant and by the highest charge or count that is being handled at the time. Cases that involve multiple defendants should be counted and recorded with separate entries for each defendant; each defendant should be treated as a separate case. Cases that involve multiple charges/counts should be recorded with the highest (most severe) charge as the case type.

Username and Password

APRI has assigned a unique username and password (known only to APRI staff) to each attorney who is participating in the study. This information will be used by the study team to ensure that 1) all attorneys are participating in the study actively and consistently, and 2) the study team can follow-up on any unclear information reported on the Time & Activity Sheet. ***This is not a study of attorney performance. Attorneys will not be compared to each other and no information will be reported to supervisors. Only aggregate information will be reported.***

Date and Start/End Time

For each Time & Activity Sheet completed, enter the date that work is being performed and recorded. If additional space is needed to record all the work for that day, use a second Time & Activity Sheet.

Start and end times should be recorded to the nearest ten minute interval. For example, if you start work at 8:27 AM, your start time should be recorded as 8:30 AM.

Examples:

1. *Sam Smith starts work at 8:40 a.m. and leaves the office at 6:10 p.m. He completes one Time & Activity Sheet for April 26, 2004. The date and start/end time should be completed as follows:*

The screenshot shows a web form titled "Time & Activity Log". It has a "Date:" label followed by three dropdown menus containing "2004", "April", and "26". Below this is a "From:" label followed by a dropdown menu containing "8:40 AM", and a "To:" label followed by a dropdown menu containing "6:10 PM".

2. *Sam Smith works past 12:00 midnight on April 26, 2004, and needs to complete two Time & Activity Sheets. He was preparing for a trial and had to cover court for his colleague who had the flu. He arrived at the office at 7:00 a.m. and left the office at 1:25 a.m. the next morning. The date and start/end times on the first Time & Activity Sheet would be completed as follows:*

The screenshot shows a web form titled "Time & Activity Log". It has a "Date:" label followed by three dropdown menus containing "2004", "April", and "26". Below this is a "From:" label followed by a dropdown menu containing "7:00 AM", and a "To:" label followed by a dropdown menu containing "12:00 AM".

The second Time & Activity Sheet should be completed as follows:

Time & Activity Log

Date: 2004 April 27

From: 12:00 AM To: 1:30 AM

To record the time worked after midnight, a new Time & Activity Sheet should be started for April 27th and the start time is recorded as 12:00 a.m. In this way the time interval from 12:00 a.m. to 1:25 a.m. for April 27th is recorded on the next day's sheet.

Time & Activity Log

The time & activity log (shown below) is the section on the timesheet where attorneys will enter all information related to work for each day of the study period.

Time & Activity Log							
Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	Select Code	-	-	-	-	-	1
2	Select Code	-	-	-	-	-	1
3	Select Code	-	-	-	-	-	1
4	Select Code	-	-	-	-	-	1
5	Select Code	-	-	-	-	-	1

Information is entered from **left to right**. All information in a row will relate to the activity for which time is being recorded. When recording activity, type of case being worked on, case enhancer, and disposition, the number code for each is recorded in the appropriate column. A listing of each code is presented below. **The complete definitions for all codes (activity, case type, enhancer, and disposition) are also provided online after logging in.**

Record information in each column of the Time & Activity Sheet as follows:

Column 1: Activity

All work-related activities that prosecutors perform have been divided into three categories: case-related activity that is not performed in court, case-related in-court activity, and non-case related activity. When filling in the Time & Activity Sheet, enter the appropriate code for each activity that is performed. ***You may record only one activity per row.***

Activity Codes

Case-Related Activities

20. Case Screening/Initiation

23. Case-Related Administration

21. Case Preparation

22. Post-Adjudication Activities

In-Court Activities

-
- | | |
|--|---------------------------------------|
| 30. Grand Jury Proceedings | 35. Post-Adjudication Trials/Hearings |
| 31. Pre-Arrest Proceedings | 36. In-Court Waiting |
| 32. Preliminary/Pre-Trial Hearings/Motions | |
| 33. Bench Trial | 37. Juvenile Proceedings |
| 34. Jury Trial | |

Non-Case Related Activities

- | | |
|---|------------------------------|
| 50. Non-Case Administration | 53. Professional Development |
| 51. Community/Outreach Activities | 54. Travel |
| 52. Law Enforcement Coordination Activities | 55. Lunch/Personal Time |

Record activity information in Column 1 as follows:

Example:

Mary Holt is preparing a case for trial. Record the activity code that corresponds to case preparation — 21. The time & activity log should be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	21 - Case Preparation	-	-	-	-	-	1
2	Select Code	-	-	-	-	-	1
3	Select Code	-	-	-	-	-	1
4	Select Code	-	-	-	-	-	1
5	Select Code	-	-	-	-	-	1

Column 2: Case Type

All types of cases that prosecutors work on have been divided into 1 of 19 categories. The code for each of these categories is presented below:

Case Type Code

- | | |
|----------------------------------|-----------------------------------|
| 1. Criminal Homicide | 11. Felony Domestic Violence |
| 2. Rape/Sexual Offenses | 12. Other Miscellaneous Felony |
| 3. Robbery | 13. Misdemeanor DUI |
| 4. Felony Assault | 14. Misdemeanor Domestic Violence |
| 5. Burglary/Larceny | 15. Misdemeanor Other |
| 6. Arson | 16. Juvenile Delinquency |
| 7. Kidnapping | 17. Juvenile Other |
| 8. Felony Drug | 18. Non-Offense Cases |
| 9. Felony Motor Vehicle Offenses | 19. Firearm Offenses |
| 10. Felony Forgery/Embezzlement | |

After each activity that involves either in-court or out-of-court case-related activity, record the case type code that corresponds to the type of case for which the activity is being conducted.

Example:

Sam is making a direct presentment to a grand jury for a murder case. The activity code is recorded as 30 (grand jury proceedings) and the case type code that corresponds to the charge is 1—Criminal Homicide. The Time & Activity Log should be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	30 - Grand Jury Proceedings	1	-	-	-	-	1
2	Select Code	-	-	-	-	-	1
3	Select Code	-	-	-	-	-	1
4	Select Code	-	-	-	-	-	1
5	Select Code	-	-	-	-	-	1

For the purposes of this study, a case is defined:

- by individual defendant
- by incident **and**
- by the most serious felony/misdemeanor charge or count associated with an incident.

Cases that involve multiple charges/counts for one defendant arising from a single incident should be recorded on one line with the most serious charge as the case type. If a case involves more than one incident, record the most serious charge/count associated with each on a separate line. Cases that involve multiple defendants should be counted and recorded with separate entries for each defendant.

Example 1:

A direct presentment is being made to a grand jury on a defendant who is charged with kidnapping and rape as part of a single incident. The Time & Activity Sheet should be completed as follows²:

Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	30 - Grand Jury Proceedings	2	-	-	-	-	1
2	Select Code	-	-	-	-	-	1
3	Select Code	-	-	-	-	-	1
4	Select Code	-	-	-	-	-	1
5	Select Code	-	-	-	-	-	1

² This example assumes that the rape charge is considered in Rhode Island to be the more serious charge.

Example 2:

If kidnapping and rape charges stem from two different incidents³, the Time & Activity Sheet would be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	30 - Grand Jury Proceedings	2	-	-	-	-	1
2	30 - Grand Jury Proceedings	7	-	-	-	-	1
3	Select Code	-	-	-	-	-	1
4	Select Code	-	-	-	-	-	1

Most case-related and in-court activities should have a case type. Exceptions include case-related administration, in-court waiting, and case screening/initiation (case types are not required for these codes). For case screening/initiation, record the case type if the charge is known. ***Do not record case type for non-case related activities.***

Column 3: Elapsed Time

In Column 3, enter the total amount of time that the activity took. Time should be recorded in 5-minute intervals for the first hour and 10-minute increments after the first hour.

Example 1:

Steve Jones is in Court from 8:30 a.m. until 11:50 a.m. handling preliminary hearings for felony drug cases. The Time & Activity Sheet should be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	32 - Preliminary/Pre-Trial Hea	8	3h 20m	-	-	-	1
2	Select Code	-	-	-	-	-	1
3	Select Code	-	-	-	-	-	1
4	Select Code	-	-	-	-	-	1
5	Select Code	-	-	-	-	-	1

Example 2:

³ I.e., on separate occasions the defendant committed a kidnapping and a rape.

Bryant Johnson is away from the office from 8:30 a.m. until 3:30 p.m. at an elementary school, giving a law-related education talk to 5th and 6th graders. Every 45 minutes, he has a 5-minute break while students change classes, and a one-hour break at 12:00 p.m. During the 5-minute breaks, he talks to teachers and students. During the one-hour break, he makes calls to the office to check his messages (about 10 minutes on a number of different cases) and returns a case-related phone call to a defense attorney on an arson case that is in plea negotiations (about 20 minutes). He then eats lunch in the school cafeteria. The Time & Activity Sheet should be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	51 - Community/Outreach Activi	-	6 hr	-	-	-	1
2	23 - Case-Related Administrati	-	10 min	-	-	-	1
3	21 - Case Preparation	6	20 min	-	-	-	1
4	55 - Lunch/Personal Time	-	30 min	-	-	-	1
5	Select Code	-	-	-	-	-	1

Column 4: Disposition Code

Column 4 is used to indicate (by the appropriate disposition code) whether or not a case was disposed of during the course of the activity. As described above, a case is defined by defendant, by incident, and by the most serious charge. Thus, the disposition status of the most serious charge for the defendant is reported in Column 4. If the most serious charge is disposed of, then use codes 60 to 65 to record this fact. *A case is not disposed of if the most serious charge continues in the system (beyond the activity for which time is reported); if this is true, record it as no disposition (Code 66).*

Cases may be disposed of at several points along the continuum of the criminal justice process, and disposition is defined as the termination of a case whether the termination occurs prior to or after the filing of charges/indictment.

Disposition Codes

- | | |
|----------------------------|-----------------------------------|
| 60. Pre-Charge Disposition | 64. Post-Adjudication Disposition |
| 61. Pre-Arrest Disposition | 65. Other Disposition |
| 62. Pre-Trial Disposition | 66. No Disposition |
| 63. Trial Disposition | |

Please note that a disposition of a motion is not a case disposition unless the case is dismissed at that time.

If an activity cannot result in a disposition (for example, in-court waiting, case-related administration, and all non-case related activities), leave the space for a disposition blank.

Example:

Andrew reviews a law enforcement report involving a potential case with a possible felonious sexual offense. After talking to the law enforcement officers for about 10 minutes, he determines that a warrant should not be issued. The time & activity log should be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	20 - Case Screening/Initiation	2	10 min	60	-	-	1
2	Select Code	-	-	-	-	-	1
3	Select Code	-	-	-	-	-	1
4	Select Code	-	-	-	-	-	1
5	Select Code	-	-	-	-	-	1

If Andrew decides that a warrant should be issued, he would record “66” – no disposition

Example:

Ann is in a preliminary hearing for about an hour processing 11 burglary cases. Five of the cases plead guilty as charged, 3 cases are dismissed, and 2 cases plead guilty to a lesser charge. (Each case takes approximately 5 minutes). In one case, the defendant does not appear and after 10 minutes, a warrant is issued. Using the appropriate disposition codes, the time & activity sheet should be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	32 - Preliminary/Pre-Trial Hea	5	50 min	62	-	-	1
2	32 - Preliminary/Pre-Trial Hea	5	10 min	66	-	-	1
3	Select Code	-	-	-	-	-	1
4	Select Code	-	-	-	-	-	1
5	Select Code	-	-	-	-	-	1

*How to account for the number of each case type will be discussed in the Volume section.

Columns 5 & 6: Case Enhancer

There are certain factors that make a case complex. APRI recognizes this, so Columns 5 and 6 have been included to record whether or not any of these factors are applicable to the case and activity for which time is being reported. The case enhancers are as follows:

- | | |
|---|-------------------------------------|
| 90. Child Victim/Witness | 97. Multiple Defense Attorneys |
| 91. Senior Victim/Witness | 98. Diminished Capacity |
| 92. Victim/Witness w/ a Disability | 99. Out-of-state Victim/Witness |
| 93. Defense by Reason of Insanity | 100. Uncooperative Victim/Witness |
| 94. Language Barrier/Cultural Diversity | 101. Complex Evidence/Investigation |
| 95. Capital Offense | 102. Media Attention |
| 96. Difficult Defense Counsel | 103. Family Offense |

You may list up to 2 enhancers that apply to a case. You do not have to list any enhancers. Whether you list any at all should be determined by whether the enhancer is present in the case and whether it made the activity consume more time than otherwise would have been true.

Example 1:

Sally McKay is representing the State in a bench trial involving the kidnapping, robbery and murder of a 10-year-old. She is in court for 2 hours doing opening statements. She would record her time as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	33 - Bench Trial	1	2 hr	66	90	-	1
2	Select Code	-	-	-	-	-	1
3	Select Code	-	-	-	-	-	1
4	Select Code	-	-	-	-	-	1
5	Select Code	-	-	-	-	-	1

If you are recording multiple cases of the same type (e.g., 5 defendants charged with assault) and different case enhancers apply to different cases, a new row must be used for each enhanced case.

Example 2:

Jack is conducting follow-up investigations on 5 different felony assault cases. (All cases have been charged.) One victim does not speak English and in two of the other

cases elderly victims were involved. There are no enhancers for the remaining 2 cases. He spends 30 minutes on each case. He would record his time as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	21 - Case Preparation	4	30 min	66	94	-	1
2	21 - Case Preparation	4	1 hr	66	91	-	1
3	21 - Case Preparation	4	1 hr	66	-	-	1
4	Select Code	-	-	-	-	-	1
5	Select Code	-	-	-	-	-	1

Column 7: Volume

Column 7 is used to record the number of cases for which time is being reported in the row. If the time has been devoted to handling one case (e.g., one defendant with a single charge or multiple charges arising from a single incident), 1 is entered in Column 7. If multiple cases (i.e., a defendant involved in multiple incidents or a number of different accused) of the same type are handled by the attorney performing the one type of activity (e.g., preliminary hearings on 5 felony offenses), then the number of cases handled is recorded. ***Volume refers only to the number of cases (i.e., one defendant per case), not activities.***

Example:

Ann Jones is in court, from 8:30 a.m. until 9:30 a.m., handling probation revocations on 4 defendants originally charged with felony forgery. All 4 defendants' probation is revoked. The Time & Activity Sheet should be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	35 - Post-Adjudication Trials/	10	1 hr	64	-	-	4
2	Select Code	-	-	-	-	-	1
3	Select Code	-	-	-	-	-	1
4	Select Code	-	-	-	-	-	1
5	Select Code	-	-	-	-	-	1

Example 2:

Mary spends approximately 4½ hours in court for motions hearings during which time motions are heard for 30 felony drug cases, 1 murder case, 5 felony assault cases, and 5 burglary charges. Each drug case takes approximately 5 minutes; the murder case takes approximately 20 minutes, each aggravated assault takes approximately 15 minutes, and each burglary takes approximately 5 minutes. None of the cases are disposed. She completes the Time & Activity Sheet as follows.

Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	32 - Preliminary/Pre-Trial Hea	8	2h 30m	66	-	-	30
2	32 - Preliminary/Pre-Trial Hea	1	20 min	66	-	-	1
3	32 - Preliminary/Pre-Trial Hea	4	1h 20m	66	-	-	5
4	32 - Preliminary/Pre-Trial Hea	5	25 min	66	-	-	5

Please note that this example assumes no dispositions during these hearings. If cases are disposed of, a new row must be used for each type of disposition. Please see additional examples.

ADDITIONAL DISCUSSION AND EXAMPLES

Attorneys may be in-court for several hours, over the course of which many case types are handled. To ease the burden of contemporaneous reporting during court activities, the attorney may group similar activities and cases together, report them on the same line, and then estimate the combined time elapsed to conduct the activity over the time period.

Some attorney activities are performed in rapid succession or are performed in such a short period of time (such as phone calls or brief review of files), that individual recording becomes too burdensome. In general, if a number of short activities (lasting less than 10 minutes each) are completed either in succession or at several points through the day (e.g., a series of brief phone calls) on different types of cases, record them on one line as case-related administration with the total elapsed time in minutes.

While at the courthouse, attorneys may have in-court waiting time that may be spent working on other cases, handling non-case related matters, or used as “free” time. If the in-court waiting time is less than 10 minutes (or less than 1 hour while waiting for a jury to return a verdict), incorporate the time into the on-going in-court activity.

If in-court waiting time exceeds 10 minutes (or 1 hour for waiting for a jury to return a verdict), the following rules apply:

- If work is performed on another case during the waiting time, record the time spent on a separate line with the appropriate case-related activity code and case type code.
- If non-case related matters are handled during the waiting time, record the time spent on a separate line with the appropriate non-case related activity code.
- If no other work is performed during the waiting time, record the time spent as in-court waiting (36). **Do not enter a case type for in-court waiting.**

Example 1:

Bryant is prosecuting a multiple felony jury trial in court from 8:30 am to 3:10 pm. The defendant is charged with a robbery and a felony assault on a blind senior victim. In the morning, a juror becomes ill and the judge orders a short recess, which lasts about 40 minutes. During this time, Bryant is unable to do any other case-related work. The time & activity log should be completed as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	34 - Jury Trial	3	6 hr	66	91	92	1
2	36 - In-Court Waiting	-	40 min	-	-	-	1
3	Select Code	-	-	-	-	-	1
4	Select Code	-	-	-	-	-	1
5	Select Code	-	-	-	-	-	1

Example 2:

Between 9:30 a.m. and 10:30 a.m., Mary returned case-related phone messages on 10 different cases from the previous day. The phone calls collectively take 1 hour. She records the time & activity log as follows:

Row #	Activity Code	Case Type Code	Elapsed Time	Disposition Code	Case Enhancer 1	Case Enhancer 2	Volume
1	23 - Case-Related Administrati	-	1 hr	-	-	-	10
2	Select Code	-	-	-	-	-	1
3	Select Code	-	-	-	-	-	1
4	Select Code	-	-	-	-	-	1
5	Select Code	-	-	-	-	-	1

Note that no case type is required for case-related administration unless the series of activities is related to a specific case (e.g., phone calls to witnesses on one case). When the activity is related to a specific case, the appropriate case type code should be recorded on the time & activity sheet.

.....
Congratulations! You've finished the instructions and are ready to participate in the study.

Please review all the instructions again before you begin to record your time. We appreciate your cooperation with this study. If you have any questions during the study about how to complete the forms, please contact, Andrea Gentile at APRI at 703-519-1672 or andrea.gentile@ndaa-apri or Mark Miller at APRI 703-519-1647 or mark.miller@ndaa-apri Thank you.



APPENDIX D:
CASE TYPE CODES

HOW APRI CATEGORIZED RI CASE TYPES

Criminal Homicide	Burglary Cont.
MURDER I	B & E DWELLING
MURDER 2	B&E DWELL/RESIDENT ON PREMISES
MANSLAUGHTER	B&E DWELL/PERSON >60 ON PREMIS
Rape/Sexual Offense	B&E DWELL/PERSON >60/DOMESTIC
FIRST DEGREE SEXUAL ASSAULT	B & E DWELLING/DOMESTIC
1ST DEGREE SEXUAL ASSAULT/DOM	ENT BLDG/DWELLING W/FEL INTENT
SECOND DEGREE SEXUAL ASSAULT	B & E BLDG/NIGHT/FELONY INTENT
2ND DEGREE SEXUAL ASSAULT/DOM	B & E OTHER BLDGS/INT LARCENY
THIRD DEGREE SEXUAL ASSAULT	B & E BUILDING DAYTIME
3RD DEGREE SEXUAL ASSAULT/DOM	Arson
ASSLT W/INT 1ST DEG SEX ASSLT	FIRST DEGREE ARSON
FIRST DEGREE CHILD MOLESTATION	SECOND DEGREE ARSON
2ND DEGREE CHILD MOLESTATION	FOURTH DEGREE ARSON
SEXUAL ASSAULT IN 2ND DEGREE	FOURTH DEGREE ARSON/DOMESTIC
Robbery	FIFTH DEGREE ARSON
FIRST DEGREE ROBBERY	Kidnapping
SECOND DEGREE ROBBERY	KIDNAPPING
SECOND DEGREE ROBBERY/DOMESTIC	CHILDSNATCHING
Felony Assault/Battery	KIDNAPPING/DOMESTIC
ASSAULT/ESCAPE BY INMATE	Felony Drug
MAYHEM	ALLOWING INMATE CONT SUBS
ASSLT W/INT SPECIFIED FELONIES	ILLEGAL MANU CONTROL SUBSTANCE
ASSLT/SPECIFIED FELONIES/DOMES	POSS SCH I-V CONTROL SUBSTANCE
ASSAULT ON PERSON OVER 60	POSS SCH I-V CNTRL SUB/2ND OFF
SERIOUS INJURY/PERSON OVER 60	POSS SCH I-V CNTRL SUB/SUB OFF
ASSAULT/PERSON >60/DOMESTIC	POSSESSION MARIJUANA/SUB OFF
ASSAULT ON IMPAIRED PERSON	MAN/DEL/POSS W/INT SCH I/II
ASSAULT HEALTH/EMG MEDICAL PER	POSS SCH I-V CONTROL
FELONY ASSAULT	POSS SCH I-V CONTROL/SUB OFF
ASSAULT ON OFFICER/W INJURY	POSS MARIJUANA/SUB OFF
ASSAULT/PUBLIC SCHOOL TEACHER	MAN/SEL/POSS W/INT 1OZ-1K HERO
ASSAULT/CORRECTIONAL OFFICER	MAN/SEL/POSS W/INT 1OZ-1K COCA
ASSAULT WITH BODY FLUID	MAN/SEL/POS W/INT LARGE Q LSD
ASSLT W/INT SPECIFIED FELONIES	MANU/SEL/POSS 1K-5K MARIJUANA
FELONY ASSAULT/FIREARM DEVICE	MAN/DEL/POSS W/INT I/II N/DEP
Burglary	MAN/DEL/POSS W/INT SCH I/II
LARCENY OVER \$500/DOMESTIC	MAN/DEL/POSS W/INT SCH III/IV
LARCENY UNDER \$500/DOMESTIC	CRE/DEL/POSS W/INT CNTF I/II
LARCENY >\$500/FELONY	MANU/DEL/POSS W/INT IMIT SUB
LARCENY <\$500/MISDEMEANOR	POSS/MANU/DEL >1KG COCAINE
UNLAWFUL APPROPRIATION >\$1000	POSS/MANU/DEL >5KGS MARIJUANA
REC STOLEN GOODS >\$500/FELONY	PROHIBITED ACTS C/FRAUD
THEFT OF HISTORIC STONE WALL	OBTAIN CONTROL SUBSTANCE/FRAUD
ATTEMPTED LARCENY >\$500/FELONY	COMMON NUISANCE/CTRL SUBS
BURGLARY	MAINT COMMON NUISANCE/CTL SUB
ATTEMPTED B & E	VISIT COMMON NUISANCE/CTL SUB

ATTEMPTED B & E/DOMESTIC	DIST SCH I/II CNTRL SUBS/MINOR
BURGLARY/DOMESTIC	DIST/MANU ON SCHOOL GROUNDS
Felony Drug Cont.	Forgery/Embezzlement Cont.
CONSPIRACY VIOL CNTRL SUBS ACT	FRAUDULENT USE CREDIT CARD/M
LARCENY OF CNTRL SUBSTANCE	IDENTITY FRAUD
MAINT/FREQ NARCOTIC NUISANCE	ACCESS TO COMPUTER/FOR FRAUD
POSSESSION OF SCH I CNTRL SUBST	OBTAIN MONEY FALSE PRET >\$500
MANU/DEL/POSS W/INT SCH I/II	FRAUDULENT CHECKS >\$1000
FREQUENT COMMON NUIS CNTRL SUB	CHECK KITING >\$1000
DRIVING/POSSESSION OF CTRL SUB	BANK FRAUD
POSS HEROIN	WORKERS COMP/FALSE EVIDENCE
POSS COCAINE	WELFARE FRAUD >\$500
MAN/DEL/POSS W/INT I/II N/DEP	FOOD STAMP FRAUD >\$500
MAN/DEL/POSS W/INT SCH I/II	FORGERY & COUNTERFEITING
POSS SCH I-V CONTROL SUBSTANCE	FRAUDULENT USE CREDIT CARD/F
POSSESSION MARIJUANA/SUB OFF	FRAUDULENT CHECKS >\$1000
OBTAIN CONTROL SUBSTANCE/FRAUD	Felony Domestic Violence
MAINT COMMON NUISANCE/CTL SUB	FELONY ASSAULT/DOMESTIC
CONSPIRACY VIOL CNTRL SUBS ACT	SIMPLE ASSAULT/3RD DOMESTIC
Felony Motor Vehicle Offenses	FELONY STALKING/DOMESTIC
FIRST DEGREE CARJACKING	STALKING/DOMESTIC
DRIVING WITH SUSPENDED LICENSE	PROTECTIVE ORDER/3RD DOMESTIC
INV LICENSE/CERT VIOL/SUB OFF	INTIM WITNESS/VICTIM/DOMES/M
LV SCENE ACCIDENT INJURY/DEATH	FELONY ASSAULT/DOMESTIC
LV SCENE ACCIDENT PROP DAMAGE	SIMPLE ASSAULT/3RD DOMESTIC
DRIVING TO ENDANGER DEATH RESU	PROTECTIVE ORDER/3RD DOMESTIC
DRIVING TO ENDANGER PERS INJUR	COMMON LAW OFFENSE/FELONY
DUI DEATH RESULTING	Other Miscellaneous Felony
DUI SERIOUS INJURY	STALKING
ELUDE POLICE/SUB OFFENSE	FELONY/STALKING
RECKLESS DRIVING/SUB OFFENSE	FELON POSSESSING RADIO SCANNER
DRIVE MV W/O CONSENT OF OWNER	MAINTAIN COMMON NUISANCE
DRIVE MV W/O CONSENT/DOMESTIC	AID & ABET/FELONY
POSSESSION STOLEN MV OR PARTS	CONSPIRACY/FELONY
TAMPER W/MOTOR VEHICLE	ESCAPE FROM CORRECTIONAL INSTI
MANIP MV CONTROL MALICIOUS INT	ESCAPE FROM CUSTODY
POSSESS MV W/ALTERED VIN NUM	INTIMIDATE WITNESS VICTIM/FEL
POSSESSION OF STOLEN MV	PERJURY
DRIVING/POSSESSION OF CTRL SUB	SEX OFFENDER REGISTRATION
RECKLESS DRIVING	SEX OFFENDER ADDRESS CHANGE
POSSESSION STOLEN MV OR PARTS	FELONY SHOPLIFTING
TAMPER W/MOTOR VEHICLE	HABITUAL SHOPLIFTER
RECKLESS DRIVING	EXTORTION AND BLACKMAIL
Forgery/Embezzlement	THREATS TO PUBLIC OFFICIALS
PASS CNTRFT CERT BILL OR NOTE	VANDALISM/3RD DOMESTIC
POSS CNTRFT CERT BILL OR NOTE	POSS OTHER WEAPON ACI/SALE <18
INSURANCE FRAUD/FELONY	ADW IN DWELLING
OMUFP >\$500/FELONY	ADW IN DWELLING/DOMESTIC
DEAL IN CREDIT CARDS OF OTHERS	BRIBE AGENT/EMPLOYEE/PUB OFFIC

FRAUD/OBTAINING CREDIT CARD	POSSESSION OF BURGLARY TOOLS
FRAUDULENT USE CREDIT CARD/F	MISPRISION OF A FELONY
Other Miscellaneous Felony Cont.	Misdemeanor Other Cont.
ADW - DOMESTIC	SELL/USE/POSSESS FIREWORKS
OBSTRUCT JUDICIAL SYSTEM	USE/POSS CLASS C FIREWKS <\$500
FELONY SHOPLIFTING	THREATEN TO PLACE BOMB IN BLDG
HABITUAL CRIMINAL	IMPERSONATE PUBLIC OFFICER
POSS PROP STOLEN O/STATE >\$500	FORGERY & COUNTERFEITING
MALICIOUS INJURY TO ANIMALS	FLS DOC TO PUB OFF/EMPLO/AGEN
MALIC INJURY TO ANIMALS/DOMES	SOLICIT/NAME OF LAW ENFORCEMEN
PRACTICE DENTISTRY W/O LICENSE	BOOKMAKING/2 ND OFFENSE
COMPOUNDING A FELONY	BOOKMAKING
CONSPIRACY/FELONY	OBTAIN SIGNATUR/FALSE PRETENSE
IMPERSONATE PUBLIC OFFICER	SELL/CONCEAL LEASD PER PROPRTY
ESCAPE FROM CUSTODY	SELL/CONCEAL PROPRTY/SALE/F
OBSTRUCTING POLICE OFFICER	REC STOLEN GOODS <\$500/MISD
FELONY SHOPLIFTING	USE/SHOPLIFTING PARAPHERNALIA
HABITUAL SHOPLIFTER	MISDEMEANOR SHOPLIFTING
POSSESSION WEAPON NOT FIREARM	WRONGFUL CONVERSION >\$100
Misdemeanor DUI	EMBEZZLEMENT OVER \$100
DUI/FIRST OFFENSE/.08	EMBEZZLEMENT UNDER \$100
DUI/FIRST OFFENSE/.10-.15	OMUFP <\$500/MISDEMEANOR
DUI/FIRST OFFENSE/.15	ATTEMPTED LARCENY <\$500/MISD
DUI/FIRST OFFENSE/BAL UNK	LARCENY FROM THE PERSON
DUI/SECOND OFFENSE/.08	VANDALISM
DUI/SECOND OFFENSE/.10-.15	VANDALISM/DOMESTIC
DUI/SECOND OFFENSE/.15	MALIC INJURY VEGETATION/BLDGS
DUI/SECOND OFFENSE/BAL UNK	WILFULL TRESPASS
DUI/SUBSEQUENT OFFENSE/.15	WILFULL TRESPASS/DOMESTIC
DUI/SUB OFFENSE/<.15/BAL UNK	DISORDERLY CONDUCT
DUI/FIRST OFFENSE/.08	DISORDERLY CONDUCT/DOMESTIC
DUI/FIRST OFFENSE/.10-.15	DISORDERLY CONDUCT/3RD DOMEST
DUI/FIRST OFFENSE/.15	POSSESS EXPLOSIVES/NOXIOUS SUB
DUI/FIRST OFFENSE/BAL UNK	POSSESSION WEAPON NOT FIREARM
DUI/SECOND OFFENSE/.15	SIMPLE ASSAULT
Misdemeanor Domestic Violence	VIOLATION OF RESTRAINING ORDER
VIOLATION OF PROTECTIVE ORDER	UNLAW USE/REMOVAL THEFT SHIELD
SIMPLE ASSAULT/DOMESTIC	SIMPLE ASSAULT/BATTERY
SIMPLE ASSAULT/2ND DOMESTIC	CRANK/OBSCENE TELEPHONE CALLS
VIOLATION OF RESTRAINING ORDER	OBTAIN MONEY FALSE PRET <\$500
VIOLATION NO CONTACT ORDER	MALICIOUS DESTRUCTION PROPERTY
VIOLATION OF PROTECTIVE ORDER	MALICIOUS MISCHIEF
Misdemeanor Other	WILFULL TRESPASS
AID & ABET/MISD	VIOLATION NO CONTACT ORDER
HARBORING A CRIMINAL	RESISTING ARREST
COMPOUNDING A FELONY	FRAUDULENT CHECKS <\$1000
FAILURE TO REPORT A CRIME	FALSE STATEMENT FOR LOAN
CONSPIRACY/MISD	RESTRICT SIZE OF WEAPON & AMMO

BAIL JUMPING	DEER HUNT PROHIB EXCPT AS PROV
CRIMINAL SOLICITATION	POSSESSION MARIJUANA/1ST OFF
Misdemeanor Other Cont.	Misdemeanor Other Cont.
POSS MARIJUANA/1ST OFF	MINIMUM SIZE LOBSTERS TAKEN
CRIMES AGAINST PHARMACY	POSSESSION MARIJUANA/1ST OFF
PATIENT ABUSE/MISD	VISIT COMMON NUISANCE/CTL SUB
OPERATE MASSAGE PARLOR W/O LIC	MINOR POSSESSING ALCOHOLIC BEV
POSSESS EXPLOSIVES W/O LICENSE	DRIVING WITH SUSPENDED LICENSE
FAILURE TO REPORT A DEATH	DRIVE INV LICENSE/CERTAIN VIOL
FAIL TO REPORT EARNINGS >\$500	DRIVE WITHOUT/EXPIRED LICENSE
POSS SCH I - V CNTRL SUBSTANCE	ELUDE POLICE
POSSESSION OF MARIJUANA	PROVIDING FALSE INFO TO 911
MINOR POSSESSING ALCOHOLIC BEV	AIDING AND ABETTING A MINOR
FALSE SWEARING/LICENSE	CONTRIBUT DELINQUENCY OF MINOR
DRIVE WITHOUT/EXPIRED LICENSE	PROCURING ALCOHOL FOR MINOR
DRIVE WITHOUT/EXPIRED LICENSE	CONVEY UNAUTH ARTICL TO/FM ACI
DUE CARE BY DRIVERS	ESCAPE BY JUVENILE>16
ELUDE POLICE	PRISON VISITOR GIVING FLS INFO
ILLEG EVID OF FINANCIAL SECUR	OBSTRUCTING POLICE OFFICER
RULE GOVERNING ST PARK & BEACH	FALSELY REPORTING A CRIME
MISTREATING ANIMALS	OBSTRUCTION OF JUDICIAL SYSTEM
UNNECESSARY CRUELTY TO ANIMALS	INTIMIDATE WITNESS/VICTIM/MISD
CRUELTY TO ANIMALS/DOMESTIC	TRANS/HARBOR PROSTITUTION
CONTEMPT/ SUPERIOR COURT	LOITERING FOR INDECENT PURPOSE
CONSPIRACY/MISD	SOLICITING FROM MOTOR VEHICLE
USE/POSS CLASS C FIREWKS <\$500	REFUSE TO RELINQUISH PHONE
FLS DOC TO PUB OFF/EMPLO/AGEN	REFUSE/RELINQUISH PHONE/DOMES
FALSELY REPORTING A CRIME	UNLAWFUL PHONE SERVICE >\$100
SOLICITING FROM MOTOR VEHICLE	CRANK/OBSCENE PHONE CALLS
CRANK/OBSCENE PHONE CALLS	CRANK/OBSCENE CALLS/DOMESTIC
LARCENY <\$500/MISDEMEANOR	UNAUTH USE/ WIRE COMMUNICATION
REC STOLEN GOODS <\$500/MISD	UNLAWFUL APPROPRIATION <\$1000
USE/SHOPLIFTING PARAPHERNALIA	Juvenile Delinquency
MISDEMEANOR SHOPLIFTING	NONE
OMUFP <\$500/MISDEMEANOR	Juvenile Other
ATTEMPTED LARCENY <\$500/MISD	NONE
VANDALISM	None Offense Cases
VANDALISM/DOMESTIC	NONE
WILFULL TRESPASS	Firearm Offense
DISORDERLY CONDUCT	ALTER MARKS OF ID ON FIREARM
DISORDERLY CONDUCT/DOMESTIC	USE FIREARM/VIOLENT CRIME
FALSE STATEMENT OF FINANCES/ID	DISCHARGE FIREARM/VIOL CRIME
MAL DESTRUCT PROP/DOMESTIC	ILLEGAL SALE CONCEALED FIREARM
FRAUDULENT USE CREDIT CARD/M	POSS FIREARM VIOL CRIME/FUG
SIMPLE ASSAULT	FIRING IN COMPACT AREA
APPEAL OF MUNI/ORDINANCE VIOL	LOADED WEAPON IN VEHICLE
RESISTING ARREST	DISCHARGE FIREARM FROM VEHICLE
FRAUDULENT CHECKS <\$1000	CARRY WEAPON W/U THE INFLUENCE

FAILURE TO HEAVE TO ON COMMAND	POSS WEAPON ON SCHOOL GROUNDS
VIOLATION OF DEM RULES/REGS	DRIVE-BY SHOOTING
Firearm Offense Cont.	
CARRY PISTOL W/O LICENSE	
POSSESSION SAWED OFF SHOTGUN	
POSS FIREARM/ CNTL SUBS VIOL	
LARCENYSALE OF STOLEN FIREARM	
CARRY FIREARM/VIOLENT CRIME	
STOLEN FIREARM/VIOLENT CRIME	